United Nations S/2011/22

Security Council

Distr.: General
18 January 2011

Original: English

# Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur

## I. Introduction

1. The present report is submitted pursuant to paragraph 8 of Security Council resolution 1935 (2010), by which the Council requested me to report every 90 days on progress made towards implementing the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The report includes an assessment of progress made against the benchmarks set out in annex II to my report of 16 November 2009 (S/2009/592) and provides updates on the political, security and humanitarian situation and the UNAMID strategy for the protection of civilians, as requested in paragraph 4 of resolution 1935 (2010).

## II. Political developments

2. Progress has been achieved in the peace negotiations in Doha. While the Joint Chief Mediator originally planned to present to the Government of the Sudan and the Liberation and Justice Movement (LJM) a draft agreement in early September, the parties requested additional time to negotiate outstanding issues. In the first week of November, joint negotiating committees concluded their work in the areas of power-sharing, justice and reconciliation, compensation, the return and resettlement of refugees and internally displaced persons, and security arrangements. Thereafter, the Mediation worked directly with the parties to reconcile the outstanding differences. The main points of disagreement are related to the powers of a regional authority to implement the peace agreement in Darfur, a vice-presidency post for Darfur, as well as issues related to security arrangements, power-sharing and compensation.

3. The Mediation is working with the parties on a series of steps needed to bring together the different arms of the negotiations and finalize the Doha process. The Joint Chief Mediator continues to encourage the major armed movements, including the Justice and Equality Movement (JEM) and the Sudan Liberation Movement led by Abdul Wahid al-Nur (SLM-AW), to support and take part in the peace process. On 16 December, the JEM delegation agreed to resume negotiations with the Government on a ceasefire agreement. The decision of JEM to rejoin the negotiations followed extensive consultations with the Mediation, with the support of the United States Special Envoy, Major General (retired) Scott Gration, in Doha.



Please recycle

4. The Joint Chief Mediator, Djibrill Bassolé, and the Minister of State for Foreign Affairs of Qatar, Ahmed bin Abdullah Al-Mahmoud, visited Darfur from 28 November to 2 December to promote the provisional outcomes of the Doha negotiations and to discuss with stakeholders outstanding issues. The delegation consulted representatives of the Government, leaders of Sudan's political parties, internally displaced persons, nomadic community leaders and representatives of civil society. Representatives welcomed the progress towards agreement reached in Doha regarding compensation, wealth-sharing, land issues and property restitution, but also stressed that any agreement should be comprehensive of all issues. While most of the meetings proceeded without incident, during discussions with civil society in Nyala, a Government-sponsored civil society group forcibly interrupted the meeting, claiming to be the only legitimate representatives of civil society in the area. The situation was eventually calmed after an intervention by Minister Mahmoud and the Joint Chief Mediator. In the meeting in Zalingei, a physical confrontation between pro- and anti-Doha groups resulted in the death of two civilians after Government police used force to disperse the crowd. The Mediation also travelled to Chad from 27 to 28 December to consult with the Darfuri refugee communities and meet President Déby.

5. While the Government's delegation left Doha on 31 December 2010, it continues to engage with the Mediation in the negotiations.

6. On 6 November, the Sudan Consultative Forum convened a second meeting in Addis Ababa, at which a Darfur-based political process was discussed. The Forum noted that the outcome of the Doha process would be "the point of departure" for the Darfur-based political process, which would work towards "an inclusive political settlement based on the consensus of the people of Darfur". At this point, the basis and timing of the Darfur-based political process and its relationship to the ongoing negotiations in Doha are under discussion.

7. Fundamentally, the credibility of the Darfur-based political process and its role in assisting the people of Darfur to participate in and support the peace process will depend on the steps the Government must take to create a conducive enabling environment. These include, inter alia, the protection of the civil and political rights of participants in an environment where they can present their views without fear of retribution; freedom of speech and assembly to permit open consultations; freedom of movement for participants and UNAMID; and proportional and equitable participation among Darfuri interests.

8. In a meeting on 16 December with the Joint Special Representative, Ibrahim Gambari, the Chairman of the African Union High-level Implementation Panel, Thabo Mbeki, and Presidential Adviser Ghazi Salaheddin, it was agreed that a joint UNAMID-Government of the Sudan technical task force would be established to monitor the conditions for an enabling environment and to develop modalities for implementing the Darfur-based political process.

9. On 6 January 2011, the Arab African Ministerial Committee and the Joint Mediation held a meeting in Doha under the auspices of the Government of Qatar. The meeting expressed concern at the humanitarian and security situation in Darfur, noted progress in the negotiations between the Government and LJM and the presence of JEM in Doha, and renewed its support to the Darfur peace process.

**Intercommunal reconciliation**

10. During the reporting period, a number of intercommunal reconciliation agreements were reached, reducing tensions in many areas of Darfur. On 10 October, traditional leaders from the two largest tribes in Southern Darfur, the Southern Rizeigat and the Fur, signed a charter for peaceful coexistence. According to the provisions of the charter, the tribes agreed to reject violence and embrace dialogue as a form of resolving tribal disputes, respect each other's history and heritage and establish a consultative Shura (council) through which disagreements between the tribes can be resolved.

11. On 22 November, the Habaniya and Fellata tribes in Southern Darfur, which have been sporadically engaged in hostilities since the early 1990s, signed a peaceful coexistence agreement. The agreement distributed administrative control of disputed areas in Buram and Tulus localities evenly between them and described mutually agreeable migration routes in these areas. In addition, the Government agreed to pay, on both tribes' behalf, 80 per cent of the diya (compensation money) owed by each tribe.

**Deterioration of relations between the Government of the Sudan and the Sudan Liberation Army-Minni Minawi**

12. Relations between the Government and the Sudan Liberation Army-Minni Minawi (SLA-MM), the signatories of the 2006 Darfur Peace Agreement, deteriorated markedly during the reporting period. On 30 October, elements of SLA-MM and the Sudanese Armed Forces (SAF) signed an agreement in El Fasher, according to which they would implement a modified version of the security arrangements contained in the Darfur Peace Agreement. The central component of the agreement involved integration of SLA-MM forces into SAF.

13. However, the integration did not take place as planned, and on 21 November, six days after his forces were to present themselves for integration, Minni Minawi issued a communiqué stating that he refused to disarm his forces on the grounds that the Government had attempted the disarmament in a manner inconsistent with the provisions of the Darfur Peace Agreement.

14. With tensions rising, on 21 November, SLA-MM elements and Government of the Sudan police exchanged fire near Zam Zam camp (El Fasher), resulting in serious injuries to two police officers. On 3 December, a SAF military spokesperson issued a statement declaring Minni Minawi an enemy of the Government. On 4 December, fighting between SAF and SLA-MM forces took place at Um Kunya, 35 kilometres south of Nyala. On 8 December, President Bashir issued a decree declaring that the Wali of Western Darfur had replaced Minni Minawi as the new Chair of the Transitional Darfur Regional Authority, the body established to implement certain provisions of the Darfur Peace Agreement. On the same day, National Intelligence and Security Services agents arrested 20 SLA-MM political personnel at the Transitional Darfur Regional Authority offices in El Fasher and Nyala.

## III. Security situation

15. While there has been an increase in clashes between SAF and armed movements during the reporting period, there has also been a decrease in intercommunal conflict.

Targeted attacks on UNAMID and humanitarian personnel have also decreased. However, two kidnapping incidents occurred during the reporting period.

16. Following unconfirmed reports of a build-up of JEM forces in Southern and Northern Darfur, UNAMID observed a JEM convoy of approximately 100 vehicles near Um Kadada in Northern Darfur on 29 October, indicating JEM movement from its main locations in the far north towards the south. The mission also observed substantial SAF reinforcements in Um Barru, Karnoi, Malha and Kutum in Northern Darfur, as well as SAF aerial surveillance in the areas between Tina and Um Barru, Kutum and El Fasher and El Daein and Adilla.

17. UNAMID received reports that SAF conducted an aerial offensive on suspected JEM positions near Um Dul village, east of Shangil Tobaya, on 30 October. In early November, JEM attacks on SAF and local villages were reported in Southern Darfur, including the JEM attack on 3 November on a commercial convoy escorted by Central Reserve Police at Tortahan, 40 kilometres north-east of Nyala, killing up to 40 police. Subsequent clashes with SAF were reported near Muhajeria, Sania Fundu and Marla. On 8 and 9 November, JEM attacked a village market at Um Gidan, 120 kilometres south-east of El Daein, and Um Alkhairat, 65 kilometres west of El Daein. On 12, 24 and 25 November, SAF conducted aerial attacks near the Kiir Adhan bridge in the vicinity of the Southern Darfur-Southern Sudan border, apparently against JEM elements suspected to be moving towards Southern Sudan. Importantly, the attacks occurred in an area the Government of the Sudan considers part of Southern Darfur, whereas the Government of Southern Sudan claims the area as part of Northern Bahr el Ghazal State.

18. Following deteriorating relations between the Government and SLA-MM, on 10, 11 and 17 December clashes took place between SAF and SLA-MM forces in Khor Abeche. On 23 December, SLA-MM and JEM attacked Government of the Sudan police in Dar al Salam, 37 kilometres east of Shangil Tobaya in Northern Darfur. Clashes were reported on 24 and 25 December south of Shangil Tobaya. On 26 December, SAF and SLA-MM clashed near Shaeria, 92 kilometres north-east of Nyala.

19. The number of displaced persons from these clashes is estimated in Shangil Tobaya at 14,000, in Dar al Salam at 15,000 and in Khor Abeche at 10,000. While it appears that the numbers of civilian casualties are relatively low and that civilians were not specifically targeted by either side, UNAMID is looking into reports of possible human rights abuses, looting and destruction of civilian property.

20. UNAMID has maintained a robust presence and an active patrolling pattern in and around Shangil Tobaya, Khor Abeche and other affected areas to deter fighting and maintain situational awareness for the purpose of early warning and quick response. The mission continues to assist the humanitarian community in reaching people in need and providing protection, water and emergency health care for internally displaced persons sheltering around UNAMID team sites in Shangil Tobaya, Khor Abeche and Shaeria. The total number of displaced persons around these UNAMID team sites has reached 15,000.

21. Government restriction on the movement of UNAMID constrained the mission's response to the affected population in the first days of the crisis. Air and land restrictions were in force in Khor Abeche, Shaeria, Muhajeria, Labado, Marla, Shangil Tobaya and Dar al Salam. The Government lifted some restrictions on 27 December,

but continued to limit the mission's movement to Shangil Tobaya, Khor Abeche and Shaeria. UNAMID, in coordination with the humanitarian community, dispatched resupply and relief convoys to the Khor Abeche team site on 27 December. UNAMID convoys and two World Food Programme (WFP) trucks reached Shangil Tobaya, Khor Abeche and Shaeria on 28 and 29 December.

22. UNAMID will continue to send road and air convoys to areas of need and conduct long-range patrols to the affected areas in order to show presence and implement its core mandate. UNAMID will also continue to keep a robust military presence in conflict and potential conflict areas in order to deter violence and protect civilians.

**Jebel Marra**

23. Jebel Marra is a mountainous area of roughly 12,800 square kilometres spanning the three Darfur States. Large portions of Jebel Marra have been cut off from humanitarian and UNAMID access since February 2010, owing in part to fighting primarily between SAF and the Sudan Liberation Army-Abdul Wahid (SLA-AW). UNAMID and the humanitarian agencies have attempted to access the area on numerous occasions and have been denied except on a few occasions for assessments by Government and SLA-AW elements on the ground.

24. On 13 November, UNAMID conducted two patrols to the eastern and western parts of Jebel Marra, including to Guldo and Golo on the western side and Tarny, Gosdor and Turty on the eastern side. It was found that the situation in these areas was generally calm. Checkpoints and pockets of armed elements on the higher grounds in the western side could pose a threat to civilians but were not deemed to represent a significant military threat. Areas in the eastern side were found to be under the control of different Sudan Liberation Army factions, with tensions between them.

25. In December, UNAMID had intended to carry out more systematic patrols into Jebel Marra to assess the conditions and open humanitarian space. The manpower necessary for these patrols had to be redirected to address the fighting in Khor Abeche, Shangil Tobaya and Shaeria. Given ongoing tensions in these areas, and the need to address military resources towards possible tensions in Southern Darfur, the mission intends to strengthen its assistance to humanitarian agencies to reach areas in need by use of mission air assets, including tactical helicopters and security elements.

**Intercommunal conflict**

26. During the reporting period, 13 deaths attributable to intercommunal conflict were recorded, down from 157 in the previous period. Of these, 10 people died in a clash between the Misseriya and Aballah near Um Dukhun (Western Darfur) on 17 October. While still serious, this figure represents the lowest number of deaths attributable to intercommunal conflict in Darfur over a 90-day period in 2010. The decrease is partially a result of higher levels of seasonal rainfall, the renewed effort by the Government to broker reconciliation agreements, and UNAMID military and police security and protection patrols.

27. UNAMID, in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR) and El Fasher University, developed and

delivered a course on conflict management to 75 participants in El Fasher. The objective of the training was to enhance the capacity of *ajaweed* (mediation) committees and civil society organizations to address conflict at the local level and contribute to conditions for durable solutions for internally displaced persons. In addition, with a view to supporting verified voluntary returnees in the Korma area in Northern Darfur, UNAMID, UNHCR and the United Nations Development Programme (UNDP) delivered training on dialogue, negotiation and mediation to 25 personnel of *ajaweed* committees, civil society organizations, SLA-MM, Sudan Liberation Army-Free Will and the Humanitarian Aid Commission.

**Safety and security**

28. UNAMID peacekeepers were attacked twice during the reporting period. On 6 October, UNAMID military was fired upon by a group of unidentified armed men while conducting a patrol near Kutum in Northern Darfur. Patrol members repelled the attack and neither party sustained casualties. In the second attack, unidentified gunmen shot a UNAMID peacekeeper while he was guarding a water point near Kutum on 5 November. Nearby UNAMID forces retaliated with fire, forcing the perpetrators to flee.

29. In continuation of a disturbing trend, two kidnapping incidents occurred during the reporting period. On 7 October, the house of UNAMID staff was broken into. Three staff members were taken hostage, two of whom managed to escape within a few hours of being kidnapped. The other hostage was held for 90 days and finally released on 5 January. On 4 November, three aviation staff contracted by WFP were kidnapped in Nyala, Southern Darfur. They escaped after 35 days in captivity.

30. A total of seven attempted carjackings of United Nations vehicles occurred during the reporting period, down from 17 in the previous period. Of these, two attempts were successful. Five cases of armed robbery — four targeting international non-governmental organizations and one targeting the Office for the Coordination of Humanitarian Affairs — occurred during the reporting period. Most of these incidents involved armed incursions into offices or guesthouses by assailants in search of money and valuables.

31. The relatively low number of carjacking incidents suggests that mitigation measures, which include improved information-sharing and coordination with Government security services, the increased use of UNAMID armed escorts and enforcing curfews, are proving effective. UNAMID established a Joint Security Operations Centre in El Fasher staffed by both Government and UNAMID security officers, in order to mitigate security risks and enhance coordination.

32. The total number of incidents involving banditry, criminality, attacks on or the harassment of civilians by actors other than military or formal militia units decreased from 228 in the previous reporting period to 113 in the current period.

33. UNAMID continues to reduce the threat posed by unexploded ordnance contamination throughout Darfur. During the reporting period, a total of 133 unexploded ordnance devices were destroyed and unexploded ordnance risk education was delivered to 50 teachers. A further 12,092 civilians received lectures on the risk unexploded ordnance poses and the proper methods for dealing with such risks. The mission responded to several reports from local communities of unexploded ordnance threats by conducting emergency assessments of 41,986

square metres of land. UNAMID also surveyed 1,154 kilometres of road for possible contamination from unexploded ordnance.

34. On 4 October, the Northern Sudan Disarmament, Demobilization and Reintegration Commission commenced the reintegration opportunities programme in El Fasher. Some 189 discharged members of the Declaration of Commitment signatories received small business and skills acquisition training. A second workshop to raise awareness on DDR issues was organized by the Commission, in collaboration with UNAMID and UNDP, with funding from the Government of Canada.

**Restrictions of movement**

35. The mission's freedom of movement was impeded on 26 occasions during the reporting period, bringing the total for the year to 123. Of the incidents during the reporting period, 23 restrictions were imposed by Government of the Sudan authorities, two by SLA-MM and one by community members. Of the 23 restrictions imposed by the Government, in 17 cases movement was restricted during and as a result of military engagements between SAF and armed movements. In six cases, flight clearance was denied for the tactical helicopters in Southern Darfur as part of contingency planning for the referendum on Southern Sudan, owing to a Government-imposed blanket flight restriction in effect from 3 to 14 November in areas where SAF air operations were taking place. Prior to the outbreak of fighting between SAF and JEM in October, UNAMID tactical helicopters conducted aerial reconnaissance operations without restriction. On 20 December, armed tactical helicopters were also used to fly into Khor Abeche at the time of the clashes.

36. On the two occasions where the mission's movement was restricted by SLA-MM, unarmed UNAMID police advisers were prevented from proceeding past a checkpoint at Zam Zam camp because of an alleged failure by the mission to pay the salary of a local staff member.

37. On 12 October, SAF stopped UNAMID police advisers in Western Darfur at a checkpoint, citing the absence of prior approval. On 21 October, SAF stopped a UNAMID military patrol that was on its way to Wastani, 43 kilometres north of El Geneina, on the grounds that the area was not safe and the patrol had not provided prior notification. In both cases, the UNAMID patrol members returned to base.

## IV. Humanitarian situation

38. Until mid-December, when fighting forced nearly 40,000 persons to flee their homes, the humanitarian situation remained relatively stable during the reporting period. Humanitarian efforts nevertheless remain impeded by insecurity and access restrictions. Overall, access was consistently limited in eastern Jebel Marra, intermittently limited in areas where there was fighting between SAF and armed movements, and limited by the need for armed escorts and remote programming in most other areas outside the main urban centres owing to the risk of banditry.

39. In Southern Darfur, the delivery of assistance to El Daein, Addila, Um Sauna, Gereida, Muhajeria, Marla and Khor Abeche was disrupted by clashes between SAF and JEM forces in November and December. An increase in the number of soldiers

in and around Zam Zam camp, in connection with the deterioration in relations between the Government and SLA-MM, briefly limited humanitarian access to the camp on 22 and 23 November. In Northern Darfur, access was limited by insecurity in Shangil Tobaya, Dar al Salam, Kutum, Kebkabiya, Malha, Seraf Umra and Mellit localities, where humanitarian assistance was delivered remotely through local staff.

40. Access to eastern Jebel Marra has been restricted since February 2010, for reasons that include intermittent clashes between SAF and SLA-AW early in October. General food distribution was last conducted in November 2009 to 87,286 persons. Several agencies accessed eastern Jebel Marra between 13 and 15 October and identified pressing humanitarian needs, particularly in relation to health, water, sanitation and hygiene. Subsequent attempts by the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) to access Golombei in eastern Jebel Marra, by both road and air, for an immunization programme were denied clearance by Government authorities. To date, over 60 requests of the humanitarian agencies for access to the areas for humanitarian assistance as well as protection monitoring were refused.

41. Concerted efforts to address humanitarian access restrictions in Darfur are under way. UNAMID and the United Nations Humanitarian Coordinator met high-level Government officials and movement leaders throughout the reporting period in an effort to obtain unrestricted access. Advocacy on freedom of movement was conducted at all levels and demarches made through the High-level Committee on Darfur. One result of these engagements was communication between the central Government and the State authorities, according to which State authorities were instructed to ease restrictions and afford UNAMID and humanitarians freedom of movement.

42. UNAMID has begun providing air transport within Darfur to humanitarian organizations to complement the operations of the United Nations Humanitarian Air Service. An increase in the use of ground convoys is also in place.

43. The Office for the Coordination of Humanitarian Affairs reported on 27 December that, following clashes in Shangil Tobaya, Dar al Salam and Khor Abeche in the previous two weeks, approximately 40,000 people had been displaced in Northern and Southern Darfur. There were 106,715 verified new displacements in 2010 as at 31 October, 12,220 of which occurred in October.

44. Insecurity and risks associated with banditry continued to present challenges to humanitarian operations. Three international non-governmental humanitarian organizations withdrew from Darfur as a result of the insecurity. In addition, as at 3 October, only 30 out of a total of 130 international humanitarian staff working in Darfur were located outside of urban centres. The limited ability of organizations to deploy staff in the field reduces agencies' contact with communities and adversely affects their programmes.

45. In spite of these difficulties, food aid was successfully distributed to 90 per cent of the targeted population in October. This high figure is attributable in part to the good harvest experienced in 2010, which meant that most beneficiaries of food assistance were internally displaced persons residing in camps rather than communities in remote locations. In addition, more internally displaced persons temporarily left camps to cultivate land in 2010, roughly 60 per cent in Western Darfur, 25 per cent in Northern Darfur and 23 per cent in Southern Darfur.

46. Following the period of instability in Kalma camp in July and August, the Government announced on 7 October that it had decided to relocate internally displaced persons from the camp to new settlements located nearby. The Government established new camps in Bileil and Al-Taqwa and intends to allocate land for homes and agriculture to internally displaced persons who decide to resettle in the new areas. Following this decision, the humanitarian country team endorsed a document entitled "The application of guiding principles in the context of the relocation of internally displaced persons in Darfur", the provisions of which are being referenced by the humanitarian community in discussions with Southern Darfur authorities. This framework, based on the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement, sets out the general approach and procedures to which the Government, the United Nations and non-governmental organizations should adhere in cases of relocation. In response, Government authorities have assured the humanitarian community that relocations will be voluntary and full access will be granted to resettlement sites so that internally displaced persons may determine their appropriateness. In this context, activities were conducted during the reporting period in support of the voluntary return of 496 internally displaced persons from Kalma camp and Nyala to five villages in Western Darfur.

## V. Rule of law, governance and human rights

47. The human rights situation remained a cause for concern, with an increase in alleged arbitrary arrests and detentions from an already high 32 in the previous reporting period to 43 during the current period. Several reported incidents involved violations of the rights to freedom of opinion and expression. In one case, two internally displaced persons from Abu Shouk camp were arrested by National Intelligence and Security Services agents in El Fasher on 8 October, after a visit by United Nations Security Council members. While officials of the National Intelligence and Security Services subsequently advised that the arrests were not associated with the visit of the Security Council delegation, an alternative explanation has not been provided. On 26 October, one of the detainees was released, but was rearrested on 2 November on the grounds that the investigation was not complete. UNAMID is continuing to advocate for their release or trial in court.

48. UNAMID has worked to confirm reports of human rights abuses during the fighting in December. Integrated assessment teams confirmed reports of looting and the destruction of personal property, as well as of public facilities in some villages, including Jaghara village in Shaeria (Southern Darfur); Khor Abeche town, Soreif, Sharief, Kalaka and Um Al Kura villages in Khor Abeche (Southern Darfur); and Gudu and Marla near Dar al Salam (Northern Darfur). Reports of aerial bombardment were confirmed in Abu Dumaite village near Shaeria, Marla village close to Dar al Salam and other areas south of Shangil Tobaya (Northern Darfur), as well as in areas close to Khor Abeche. The mission is actively working to confirm reports of other human rights violations, including allegations of rape during the fighting in December.

49. Government security agencies arrested and brought to trial at El Fasher Criminal Court three men suspected of involvement in the attack on UNAMID peacekeepers on 21 June in Nertiti. Two Rwandan peacekeepers who had witnessed

the attack but had already rotated out of the mission by the time of the trial returned to El Fasher to give testimony on 8 December 2011. The judgment was rendered on 15 December, acquitting the three accused on the grounds that the Rwandan eyewitnesses could not properly identify the accused.

50. On 21 October, the Nyala Specialized Court passed a sentence in the case of 11 suspected JEM elements accused of attacking a Government convoy escorted by the Central Reserve Police on 7 May 2010 in Sanyi Afundu (Southern Darfur). The Court sentenced nine of the accused to death by hanging, of whom four were reported to be under the age of 18. A medical doctor opposed the age declaration of the four accused and certified their status as adults. One of the defendants was acquitted and one minor was sent to the reformatory in El Fasher. On 28 October, the defence lawyer submitted an appeal, which is still pending.

51. During the reporting period, UNAMID held a four-day workshop on human rights and community policing for 25 Government police in Western Darfur, and delivered human rights training to 60 Government prison staff in El Geneina and Zalingei. UNAMID human rights officers delivered training to 200 military, 22 police and 67 civilian personnel in the mission. Training in appropriate handling of sexual and gender-based violence cases and gender-responsive approaches to community policing was delivered to 182 newly deployed UNAMID police gender advisers; and in gender issues to 41 UNAMID military officers based in Kabkabiya and Mournei.

52. Regarding access, UNAMID was refused entry to the Nyala Special Court in October by the judge, who stated that he would only allow UNAMID or other agencies to enter the court if they were involved in a case. UNAMID continued to be denied access to prisons and detention centres in Northern Darfur, including the SLA-MM-operated detention facility at Zam Zam and the one operated by the Government of the Sudan in Mellit. Such restrictions prevent the independent monitoring of trials. In Mellit, the State prosecutor is currently absent and the judge has assumed the duties of prosecutor in the prosecutor's absence, raising serious concerns about the fairness of trials.

53. On 25 November, a programme entitled "16 days of activism against gender violence" was launched by UNAMID, agencies and the three State governments. Approximately 3,000 Darfurians participated in the campaign, which involved marches, speeches, drama and cultural performances. In addition, several advocacy and capacity-building activities were undertaken as part of the campaign, which included workshops and training sessions for national non-government organizations, officials of the State Government Violence against Women Unit and civil society.

54. UNAMID police conducted a number of trainings and workshops on human rights and basic subjects; 507 monitoring visits to Government police and prisons in advocacy of child welfare and women's rights; and 82 security meetings with Government of the Sudan and movement police. UNAMID police also trained 561 selected community policing volunteers on the basics of community policing, including human rights issues.

55. In an effort to strengthen the rule of law, especially in rural areas, UNAMID, UNDP and the Western Darfur judiciary held a workshop on Sudanese criminal law, criminal procedure and laws of evidence for 40 rural court judges. In a welcome

development, the judiciary agreed to commence mobile court sessions in areas that currently do not have court facilities.

**Child protection**

56. UNAMID continued to mainstream child protection concerns, monitor and report violations of children's rights and advocate at the community level for the protection of children. The mission also engaged in dialogue with SAF and armed groups to gain commitments to Action Plans to end the recruitment and use of child soldiers. While SAF do not have a policy of recruiting children, concern was expressed over the continued association of children with SAF and militia groups. On 21 October, UNAMID, along with the United Nations Mission in the Sudan (UNMIS) and UNICEF, met Ministry of Defence officials to discuss progress made in the preparation of an action plan to end the use of child soldiers by SAF and pro-Government militia groups. The meeting was convened to continue discussions held in May, at which SAF officials reconfirmed to the Special Representative of the Secretary-General for Children and Armed Conflict their commitment to adopting an action plan.

57. On 22 December, UNICEF and the UNAMID Child Protection Section visited Gur Lumbung, a SLA-AW stronghold in Jebel Marra. SLA-AW commanders agreed to establish an action plan to end the use of child soldiers, while also appealing for humanitarian assistance, health and education for the children.

## VI. Protection of civilians

58. UNAMID has updated its strategy for the protection of civilians, in coordination with the United Nations country team. The updated strategy provides comprehensive strategic, managerial and operational guidance for the implementation of the mission's protection mandate.

59. The protection of civilians in Darfur is first and foremost the responsibility of the Government of the Sudan. The UNAMID protection strategy identifies objectives and tasks for engagement with and assistance to the Government in carrying out its responsibilities in accordance with its international obligations. In this connection, the strategy prioritizes engagement with national authorities and armed groups with a view to their desisting from violations of international law and human rights standards, particularly in regard to violence against civilians, the disproportionate use of force, access and the use of child soldiers. The strategy also outlines rule of law, child protection, human rights and sexual and gender-based violence protection actions to be undertaken in coordination with the United Nations country team at the strategic and operational levels to build the protection capacity of national, state, local and community actors.

60. The direct fulfilment of the mission's protection responsibilities — namely, to protect civilians across Darfur and ensure the safe, timely and unhindered access, as well as the safety and security of humanitarian personnel and the protection of convoys — is based on the following approach. The mission will deter hostilities against civilians through engaging belligerents to cease hostilities and act in accordance with international humanitarian law; maintain a robust and integrated (military, police, humanitarian liaison and human rights) presence in areas of potential hostilities to deter violence, provide direct protection, secure humanitarian

space, monitor and provide accurate and verified reporting based on engagement with all sides. The mission will conduct map exercises at each team site on a regular basis in order to maintain operational readiness for such scenarios.

61. In regard to opening humanitarian space and the free movement of civilians, the mission will provide area security through patrolling, particularly in targeted areas of humanitarian need; undertake integrated reconnaissance missions for monitoring and verification of the security situation, locations of armed actors, population movements and the humanitarian requirements; and provide escorts as required.

62. With regard to access, the main areas consistently restricted by the Government and SLA-AW are in Jebel Marra and locations where military operations are ongoing. Other areas of Darfur are restricted in time and place, depending upon decisions of local officials, including for airspace, ground patrols and the use of the mission's tactical helicopters. The UNAMID protection strategy recognizes that the mission must be more forceful in ensuring access and outlines means for the mission to systematically track and follow up on restrictions at the local, state and national levels.

63. The fulfilment of the mission's protection mandate is dependent on sound management and early warning. The strategy therefore outlines integrated information collection, analysis and dissemination systems from the team site through the sectors to the headquarters to build the mission's capacity for quick reaction and coordinated strategic and operational decision-making.

64. While the mission has the tools and structures to fulfil this strategy, its successful implementation will depend on management and guidance at the most senior level. In this connection, the strategy obliges the leadership of the mission to provide the appropriate guidance to troops in the field and civilians entrusted to carry out the strategy, as well as to engage Government officials and belligerent parties in meeting its objectives. The success of the strategy will also require the commitment of the Department of Peacekeeping Operations, the African Union Commission for Peace and Security and troop- and police-contributing countries to ensuring that troops and police conduct their tasks with appropriate equipment and the correct posture.

## VII. Progress against mission benchmarks

65. Pursuant to paragraph 8 of Security Council resolution 1935 (2010), the present report includes an assessment of progress against the benchmarks set out in annex II to the report of the Secretary-General of 16 November 2009 (S/2009/592).

66. The first benchmark, progress towards the achievement of a comprehensive political solution to the conflict through the implementation of the Darfur Peace Agreement or subsequent agreements, suffered a setback when relations between the signatory parties to the Darfur Peace Agreement, the Government of the Sudan and SLA-MM, deteriorated significantly. Given the lack of implementation of the DPA prior to this development, its effect on making progress against the benchmark is likely to be minor. Progress was made towards agreement between other parties to the conflict, with the Government and LJM moving closer to agreement, JEM

engagement in ceasefire negotiations and information dissemination on the outcome of the second civil society conference.

67. The second benchmark pertains to UNAMID contributing to the restoration of a stable and secure environment throughout Darfur. There was a degree of regression in this area, largely owing to fighting between SAF and movement forces. There was a marked reduction in intercommunal clashes and a decrease in the number of incidents involving banditry.

68. The third benchmark refers to the enhancement of the rule of law, governance and human rights protection, and assistance to improve the effectiveness and efficiency of State institutions. The number of human rights violations and abuses recorded during the current reporting period increased slightly from that of the previous period. UNAMID conducted human rights training sessions for Government of the Sudan police and corrections officers and, in conjunction with UNDP and the Western Darfur judiciary, workshops for rural judges.

69. The fourth benchmark relates to stabilizing the humanitarian situation and facilitating humanitarian access to populations in need of assistance. Overall, there was neither progress nor regression against this benchmark during the reporting period. Progress was affected by the clashes that took place between SAF and the armed movements, and the reluctance of the Government to allow the mission and humanitarian agencies to access areas where military operations were under way. In addition, banditry contributed to a limited deep field access for humanitarian personnel. In areas reached by UNAMID and agencies, the humanitarian situation remained relatively stable. In general terms, the health and nutrition situation in most internally displaced persons camps remained unchanged and stable. However, insecurity in parts of Southern Darfur caused the suspension or scaling down of humanitarian operations in some areas.

## VIII. Deployment and operations of the mission

70. As at 30 November, the number of UNAMID civilian personnel stood at 4,298 (1,095 international staff, 2,726 national staff and 477 United Nations Volunteers). This represents 78 per cent of the approved strength of 5,516. The mission continues to face difficulties in recruiting and retaining suitably qualified staff owing to the harsh living conditions and unpredictable security situation in Darfur. Since January 2008, 224 potential candidates have declined offers of appointment; while 370 have left the mission due to reassignment, resignation, retirement or return to another duty station.

71. As at 28 December, the strength of UNAMID military personnel stands at 17,468, representing 89 per cent of the authorized strength of 19,555. This includes 16,929 troops, 294 staff officers, 69 liaison officers and 176 military observers. The number of infantry battalions deployed is now 16 of the authorized strength of 18, with the advance parties of the remaining two battalions deployed. The current strength of UNAMID individual police officers stands at 2,745, which is 72.77 per cent of the mandated strength of 3,772. Of the 19 formed police units projected to be deployed in Darfur, 16 are in Darfur. Two units are partway through their deployment process. The total personnel strength of formed police units currently stands at 2,234, or 83.98 per cent of the authorized strength of 2,660. Owing to the desire of the Government for UNAMID to increase the number of Arabic-speaking

police, UNAMID experienced difficulty in obtaining visas for non-Arabic-speaking individual police officers and a relatively low deployment rate of officers in December.

72. Between 20 September and 13 October, the Department of Peacekeeping Operations conducted a military capability study of the UNAMID Force with a multidisciplinary team of officers, including from the African Union. The report indicates that, while the rules of engagement and troop numbers are adequate to implement the mandate, the deployment and visibility of its military component should be increased throughout Darfur, in order to extend the mission's coverage and contribute to enhancing the levels of confidence among the local population and the parties. In this context, the draft study recommends a readjustment of headquarters staff, enhanced presence throughout the mission area, and the development of a headquarters-directed patrolling and information collection plan. In addition, shortfalls were identified in the contingency-owned equipment of some troop-contributing countries, including low serviceability of major equipment, which has a negative impact on operational capability. The Department and UNAMID are working to finalize and approve this study, with a view to implement its recommendations as quickly as possible.

73. During the period under review, UNAMID military personnel conducted a total of 6,940 patrols, comprising 3,718 routine patrols, 186 humanitarian escorts, 1,141 night patrols, 722 short-range patrols, 390 long-range patrols and 783 logistics and administrative patrols. UNAMID police conducted a total of 9,124 patrols. Of these, 6,407 were conducted within internally displaced persons camps and with groups of mainly women and children leaving villages and camps to collect firewood and grass; 2,434 were conducted in and around villages and markets; and 1,138 medium- and long-range area and presence patrols were conducted. UNAMID police conducted round-the-clock patrols in 18 camps, four in Northern Darfur, six in Southern Darfur and eight in Western Darfur.

74. Contingents' readiness and self-sustainment capabilities remain relatively unchanged since the previous reporting period, with one exception. The Nigerian contingent has improved its holding of patrol vehicles from 35 per cent of the draft memorandum of understanding approved quantity to 83 per cent. Currently, there are 51 units deployed in the mission area (35 military and 16 formed police units), with formed police units from Togo and Burkina Faso having recently arrived. The lack of self-sustainment capability of some contingents places an additional strain on UNAMID mission support resources and operations. UNAMID is particularly concerned with the unsatisfactory service record of the armoured personnel carriers deployed by some contributing countries.

75. The provision of logistical support for the referendum on Southern Sudan has involved the transfer of 150 light vehicles and the temporary deployment of three Mi-8 helicopters and one IL-76 aircraft to UNMIS. In Darfur, UNAMID successfully facilitated the delivery of registration materials and personnel to all 16 registration centres in November. The mission is also preparing to deliver polling materials in support of the referendum. In addition, reserve supplies of water, rations and fuel are being prepositioned at UNAMID military team sites in Southern Darfur in line with the contingency plans developed for use in the event of insecurity in the southern reaches of Darfur.

76. In order to provide security, protection and unhindered humanitarian access to vulnerable internally displaced persons scattered in about 156 camps in Darfur, a total of 83 community police centres were planned to be constructed. However, due to security concerns and lack of access to lands to build the centres, the number had to be scaled down to 70. Fifty centres have been made operational by co-locating them with existing team sites, including 11 newly constructed centres. Five others are at various stages of construction, while the remaining 54 have been prioritized for construction.

77. The total number of quick-impact projects approved for implementation between 2007 and 2010 now stands at 482. Projects have been implemented in the areas of education, health, income generation, water, sanitation, shelter, women's and youth empowerment (through the rehabilitation of women's and youth centres) and conflict resolution, where quick-impact projects have been used to address sources of conflict between adversarial communities. Of these, a total of 100 projects have been completed to date, while 176 projects are 65 per cent complete and 48 projects have recently commenced. UNAMID continues to receive a large number of project proposals from communities and local organizations, including several proposals for projects in support of community reconciliation initiatives.

## IX. Observations

78. While I note with satisfaction prospects for progress made in the peace negotiations in Doha and the decrease in intercommunal fighting, I am deeply concerned over the upsurge in fighting between Government and movement forces, particularly JEM and SLA-MM, and its humanitarian consequences.

79. The use of military force will not resolve the conflict; it will only prolong and increase the suffering of the people of Darfur. I call on the Government and the movements to recognize their responsibility to the people of Darfur, to ensure their forces on the ground desist from violence, and to show the political will necessary to reach an immediate ceasefire and an inclusive and comprehensive peace agreement.

80. The Sudan is at a turning point in its history. The parties to the Comprehensive Peace Agreement have demonstrated commendable determination and cooperation in implementing the final provisions of the agreement. For its part, the international community has shown unprecedented cohesion in supporting the parties to the Comprehensive Peace Agreement through this period. Never has the time been so opportune to settle the conflict in Darfur. Therefore, in the same way that it gave support to the parties to the Comprehensive Peace Agreement, the international community should, in a cohesive and urgent manner, step up its engagement with the Government and parties in the Sudan in helping them to reach an inclusive and comprehensive peace in Darfur.

81. I have noted reports that some Darfur movements might have been operating in Southern Sudan, and I acknowledge statements of SPLM that it would not provide support to any Darfur movement. Meanwhile, I encourage those countries with influence on the movements to press them to participate in the peace process in good faith and determination in order to conclude an agreement without further delay.

82. I note with great concern tensions that arose during the visit of the Joint Chief Mediator and the Minister of State of Qatar to Darfur and condemn the disproportionate use of force against civilians that occurred after the departure of the mediation team from Zalingei. I call upon the people of Darfur to exercise patience, however difficult in the face of the conditions on the ground, and on all Darfurian leaders to recommit themselves to supporting the speedy conclusion of the peace process.

83. The African Union, in line with the report of the African Union High-level Panel on Darfur, has stressed that a resolution of the conflict in Darfur must be the outcome of an inclusive negotiating process, involving both belligerent and non-belligerent parties and constituencies, on a comprehensive agenda. At its 250th meeting, held in Tripoli on 30 November 2010, the African Union Peace and Security Council encouraged the launching of the Darfur-based political process under the auspices of the African Union High-level Implementation Panel and UNAMID, as part of an intensified effort on Darfur.

84. The Darfur-based political process must be held in an environment that would allow for free expression without fear of retribution and freedom of movement and assembly, and with broad-based participation. I call upon the Government and all stakeholders to ensure that they fully carry out their responsibilities towards this end in supporting the launch of the Darfur-based political process at the appropriate moment.

85. UNAMID is taking significant steps to increase its effectiveness on the ground, including through a robust protection strategy and a more determined posture in the face of restrictions on freedom of movement. The mission will make every effort to move forward in spite of impediments to ensure that it can protect civilians, build confidence and open routes for the free movement of civilians and humanitarian actors. I commend the work of UNAMID staff who are at the front line, working under difficult conditions, in ensuring the protection of those at risk.

86. As UNAMID steps up its efforts to build confidence, the Government must do the same. I call upon the Government of the Sudan to ease restrictions for the humanitarian community as it reaches out to those most in need of assistance, especially in Jebel Marra, where civilians have been cut off from humanitarian assistance for almost one year.

87. I take note of recent progress on child protection issues by SAF and SLA-AW. The Government must also step up efforts to address reports of continued arbitrary arrests and detention and abuses of human rights and take concrete action to strengthen the judicial system and ensure the protection of the political and civil rights of civilians. I remind the Government that these issues and full access to Jebel Marra and all areas of Darfur are fundamental prerequisites to shifting attention solely from humanitarian needs to early recovery, the launch of the Darfur-based political process and the voluntary return of internally displaced persons. I assure the Government that UNAMID remains steadfast in its commitment to assist it and the people of Darfur in reaching these goals in an open and transparent manner.

88. I condemn the continued attacks, kidnappings and banditry targeting UNAMID and humanitarian personnel. The United Nations and humanitarian personnel must be able to carry out their life-saving work without fear. I call upon the Government

to step up its efforts to ensure law and order in Darfur and to bring to justice those accountable for such attacks.

89. I welcome the return to their families of the UNAMID hostage who was held from 7 October 2010 to 5 January 2011, and the three WFP personnel who were held from 4 November to 8 December 2010. I appreciate the support of the Government to ensure their safe release and call upon it to take all steps necessary to put an end to conditions that allow for spoilers to attack United Nations and humanitarian personnel and deter them from their mandated work. I also thank the Government of Hungary for its untiring efforts for the release of the UNAMID staff member.

90. UNAMID has made strides in its deployment, but has experienced difficulties in obtaining visas for its staff. I acknowledge the Government's efforts to ease the backlog of visas. Those who are most essential to the mission's work must be granted visas as a matter of immediate priority.

91. In closing, I would like to thank the Joint Special Representative, the Force Commander and all the women and men of UNAMID and the humanitarian community in Darfur, who continue to work tirelessly and under difficult conditions to assist civilians at risk. I would also like to thank the Joint Chief Mediator, the Government of Qatar and all those working in support of the mediation with the view to reaching an inclusive and comprehensive settlement without delay, as well as the African Union High-level Implementation Panel for its work towards peace in Darfur.